THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27788 OF 2005

DATED:28.12.2005

Between:

K. Atchiyyamma

…Petitioner

And

The Mandal Revenue Officer,

Visakhapatnam (Rural)

Visakhapatnam District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27788 OF 2005

ORDER:

The petitioner is a resident of Akkayyapalem, in Visakhapatnam. She allegedly purchased an extent of 600 Sq.yards in S.No.335/5 of Madhurawada Village, from Smt. M.Ranganayakamma under registered sale deed dt.14.8.1986. She alleges that her vendor got a layout approved by Madhurawada Gram Panchayat in respect of the land admeasuring Acs.4.60 in S.No.335/5 and the Mandal Revenue Officer also issued a certificate to that effect. The Mandal Revenue Officer, Visakhapatnam (Rural) issued a notice dt.9.12.2005 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 directing the petitioner to show cause as to why the land in her possession should not be resumed by summarily evicting her. The petitioner also submitted explanation and the matter is pending before the

Mandal Revenue Officer. In the meanwhile, it is alleged that on 3.12.2005 the Mandal Revenue Officer proclaimed in the locality that the land in possession of the petitioner is assigned land and the petitioner would be forcibly evicted. Therefore, present Writ Petition is filed.

The Mandal Revenue Officer has initiated action by issuing show cause notice dt.9.12.2005 the petitioner statedly submitted explanation. Therefore, it is not possible to accept the submission of the learned counsel for the petitioner that the Mandal Revenue Officer is likely to evict the petitioner forcibly. Secondly, it is urged that being a landless poor person petitioner is entitled for regularization of land in her occupation as per the orders of the Government in G.O.Ms.No.1601, dt.29.8.2005 and therefore she cannot be evicted. Nothing prevents the petitioner to raise this ground before the Mandal Revenue Officer and seek appropriate orders from the competent authority. Merely because the Government Orders permit regularization of illegal occupation, the same does not give rise to any cause of action to the petitioner to file present Writ Petition, especially when the matter is at the stage of show cause notice. After considering the explanation, the Mandal Revenue Officer shall pass appropriate orders in the matter.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

28.12.2005

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